

EXHIBIT 6(c)

not less than 6 1/2 feet in width instead of 10 feet in width. Said recommendation shall be referred to the Board of Trustees, which, may, in its discretion, accept said recommendation and authorize the applicant to construct the flat grade to a width of not less than 6 1/2 feet instead of 10 feet. [Added 8-14-2006 by L.L. No. 2-2006⁶³]

- (4) Maximum grade for local street: 10%.
- (5) Minimum length of vertical curve: 100 feet, but not less than 20 feet for each one-percent algebraic difference in grade.
- (6) Minimum length of tangents between reverse curves on local streets: 100 feet.
- (7) Minimum sight distance: 200 feet. At all intersections, the minimum sight distance across corners shall be 75 feet back from the intersection.
- (8) Minimum turnaround.
 - (a) Diameter of right-of-way: 120 feet.
 - (b) Diameter of pavement: 100 feet.
- (9) Maximum length of cul-de-sac.
 - (a) Permanent: six times the minimum lot width.
 - (b) Temporary: 12 times the minimum lot width.
- (10) Sidewalks: four feet wide, both sides.
- (11) Minimum radius at intersections.
 - (a) Right-of-way: 25 feet.
 - (b) Pavement: 25 feet.
- (12) The Planning Board shall be without authority to approve, as part of the design of a new subdivision, a boulevard or boulevards, as defined in § 118-9 of this Code. A boulevard shall not be permitted for purposes of the provision of an additional required access to any subdivision. [Added 2-22-1999 by L.L. No. 3-1999]
- (13) If an applicant for subdivision approval requests the incorporation of a boulevard in a subdivision, under circumstances in which a majority of the Planning Board finds that a boulevard would be in the best interests of the Village of Pomona because of unusual circumstances applicable to the particular proposed subdivision and that a boulevard is necessary to avoid unacceptable environmental consequences which cannot be otherwise reasonably avoided, taking into consideration the nature and location of the land sought to be

⁶³ . Editor's Note: This local law also renumbered former Subsections H(3) through H(12) as H(4) through (H13), respectively.

subdivided, the findings resulting from an environmental impact study, if any, and reasonable entitlement to develop land, the Planning Board shall transmit its findings by written recommendation to the Board of Trustees. The Board of Trustees shall, within 90 days of the date of the recommendation, determine whether an exception to Subsection H(11) is warranted and make a written decision thereon. In order to reach a decision on the issue, the Board of Trustees may hold a public hearing and may hear evidence and testimony in favor of and against the proposed boulevard. Upon a determination by the Board of Trustees that a boulevard is or is not warranted, the matter shall be referred back to the Planning Board for action in accordance with the determination of the Board of Trustees. By requesting a boulevard to be incorporated into a proposed subdivision, the applicant shall be deemed to have consented to the lapse of time necessitated by the referral to the Board of Trustees, and such lapse of time, not exceeding 90 days, shall not be included in any calculation of time within which the Planning Board is required to make its decision on the subdivision application. [Added 2-22-1999 by L.L. No. 3-1999]

§ 118-24. Improvements.

- A. Street improvements. Streets shall be graded and improved with pavement, sidewalks, curbs, gutters, streetlighting standards, street signs, street trees, water mains, sanitary sewers, storm drains, fire alarm signal devices, fire hydrants and other utilities, except that the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and welfare. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Except where waivers are granted, all such grading and street improvements shall conform in all respects to these regulations and to the Village construction standards and specifications.⁶⁴ Wherever the area to be subdivided is to utilize existing road frontage, said road shall be improved as provided above. The Planning Board shall further require that the entire right-of-way required by these regulations be dedicated to the agency owning the road as a condition of final plat approval.
- B. Drainage improvements.
 - (1) The subdivider may be required by the Planning Board to carry away, by pipe or open ditch, any spring- or surface water that may exist either previous to or as a result of the subdivision. The subdivider may be required to continue the piping of upstream drainage systems. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Village construction standards and specifications.
 - (2) Drainage facilities shall, in each case, be large enough to accommodate potential runoff from their entire upstream drainage area, whether inside or outside the subdivision, based on a one-hundred-year storm and assuming conditions of maximum potential development within the watershed as

⁶⁴. Editor's Note: See Ch. A134, Street Specifications.

permitted by the Zoning Law. The applicant shall be responsible for submitting such computations to the Village Engineer in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage installations, and the Village Engineer shall be responsible for reviewing these and preparing recommendations for the Planning Board.

- (3) The Planning Board may also require the subdivider to prepare a study of the effects of the subdivision on existing downstream drainage facilities. Where such study or the Planning Board, after an independent analysis, determines that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board shall notify the owner of such downstream facility of such potential condition and may withhold approval of the subdivision until provision has been made for the correction of said potential condition, or, in the alternative, the developer may deposit in escrow the full cost of the required improvement of the said potential condition in such sum as the Planning Board shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
- C. Underground utilities. In order to assure greater safety and improved appearance, all utility lines and related equipment for providing power and communication services shall be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utility lines shall be located outside of the traveled way of the streets but, except in unusual circumstances, within the street right-of-way. Underground service connections shall be provided to the property line of each lot before the street is paved and may pass under the traveled way of the street. Where existing utility facilities are located above ground, except on public rights-of-way, they shall be removed and placed underground.
- D. Other improvements.
- (1) Monuments.
 - (a) Monuments shall be required wherever deemed necessary by the Planning Board to enable all property lines to be readily reproduced on the ground. Monuments shall be located at all lot corners.
 - (b) Monuments shall be set vertically in solid ground three inches above the ground surface, with accurate reference to a permanently identifiable fixed point, and shall meet or exceed the construction requirements specified in the Village construction standards and specifications.
 - (2) Traffic control and street signs. Traffic control and street signs shall be provided by the subdivider and placed at all intersections, within the street right-of-way, and in other locations as required by the approving authority. In the case of traffic control signs, their type and location shall be approved by the Village Engineer, and in the case of street signs, by the Village Engineer.
 - (3) Fencing of hazardous conditions. Each subdivider and/or developer shall be required to furnish and install all fences wherever the Planning Board

determines that a hazardous condition may exist. Said fences shall be constructed according to standards established by the Village Engineer and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

- (4) Streetlighting standards. Streetlighting standards, of a design and location approved by the Planning Board and Village Engineer, shall be provided and installed by the subdivider. Said streetlights are to be installed by the subdivider prior to the issuance of any certificate of occupancy and are to be maintained at his sole expense until such time as the roads have been accepted by the Village of Pomona. In the case of a subdivision involving a county or state highway, approval shall be obtained from the County Superintendent of Highways.
- (5) Sanitary sewers and sewerage facilities, water mains and water supply facilities and fire hydrants. Where required by the Planning Board, the subdivider shall install sanitary sewers and sewerage facilities and/or water mains and water supply facilities and fire hydrants of the type and in a manner specified by the Village of Pomona Village Board construction standards and specifications. Necessary action shall be taken by the developer to enable the Ramapo or Haverstraw Town Board to extend or create a water supply district for the purpose of providing fire hydrants to the subdivision. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, shall be installed before any final paving of a street shown on the subdivision plat.
- (6) Fire alarm signal devices. Where required by the Planning Board, the subdivider shall install fire alarm signal devices, including necessary ducts, cables and other connecting facilities, of a type and in a manner and location prescribed by the appropriate fire district or other municipal agency having jurisdiction.
- (7) Street trees. The Planning Board may require the planting of street trees. Such trees shall be of a hardwood variety indigenous to the area in size and species as set forth in a resolution adopted by the Board of Trustees. Said resolution shall also set forth the method by which said trees shall be planted. Within the subdivision, such trees shall be planted along both sides of the street, in the right-of-way, not less than six feet nor more than 10 feet off the pavement and spaced approximately 40 feet on center. In the event it is not feasible to plant the trees in the aforesaid right-of-way, the Planning Board may require that a five-foot-wide shade tree easement be imposed on the applicant's property adjacent to the right-of-way for the planting of said trees. A cash bond or letter of credit in an amount equal to the cost of all street trees required to be planted within the subdivision shall be deposited with the Village after planting and prior to issuance of a certificate of occupancy for any house in the subdivision to guarantee replacement of any of such trees that may not survive for a period of two years after planting. [Amended 9-7-2004 by L.L. No. 4-2004; 8-14-2006 by L.L. No. 3-2006]
- (8) School bus pickup areas. The Planning Board may require that the subdivider

reserve, clear, grade, pave and otherwise improve an area of such size and location as will provide a safe and suitable place for the use of children awaiting school buses. In general, the size of such area shall not be less than 100 square feet, and no dimensions shall be less than eight feet. Such area shall be included within the street right-of-way and shall be maintained by the holder of fee title to the street. The layout and design shall be subject to Planning Board approval.

§ 118-25. Lots.

- A. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulty, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Law, the County Health Department regulations and other applicable regulations. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provision as the Planning Board may require for safe and convenient access to such automobile parking and loading and unloading spaces as may be required by the Zoning Law or otherwise for safe and convenient service access to such land.
- B. Driveways. Approximate driveway locations shall be shown on the construction plans. The maximum driveway gradient to the building site shall not exceed 15%, and the intersection of driveways with the road shall be so oriented and graded that vehicles may use the driveways safely. In the event that a proposed driveway has a gradient to the building site of more than 12 1/2 but not more than 15%, the building inspector, with the advise and cooperation of the Village Engineer shall require at least two parking spaces on the lot in question, located immediately adjacent to the public right-of-way. In the event that a proposed driveway has a gradient to the building site of more than 12 1/2% but not more than 15%, the building inspector shall refer the application to the Planning Board for site plan review. In no event shall the gradient of a driveway exceed 15% to the building site. The Planning Board may require that the applicant submit necessary topographic and design information to demonstrate that the lot layout will allow driveways that meet these criteria and provide proper drainage. [Amended 10-27-1997 by L.L. No. 12-1997]
- C. Lot dimensions.
 - (1) Lot area and dimensions shall comply with at least the minimum standards of the Zoning Law for the district in which they are located.⁶⁵ Where lots are more than double the minimum required area, the Planning Board may require that they be arranged so as to allow for further subdivision and the opening of future streets where necessary to serve such potential lots, all in compliance with the Zoning Law and these regulations. Where, in the opinion of the Planning Board, lots of larger than minimum size are required for purposes of proper drainage, water supply, waste disposal or the preservation of important ecological features, the Board may require such oversized lots as a condition of plat approval.

⁶⁵ . Editor's Note: See Ch. 130, Zoning.

- (2) Side lot lines shall generally be at right angles to street lines (or radial to curving street lines) unless the Planning Board allows a variation from this rule to give a better street or lot arrangement. Dimensions of corner lots shall be large enough to allow for erection of buildings observing the minimum front yard setback from both streets.
 - (3) Where a proposed subdivision includes an existing residence larger in size than can appropriately be placed on a lot of the minimum size permitted in the zoning district, the Planning Board may require that the lot be of such size and relationship to the proposed street system that the structure will be an appropriate and harmonious part of the subdivision.
 - (4) No more than 25% of the minimum lot area required under the Zoning Law may be satisfied by land with unexcavated slopes over 25%, wetlands as defined in Chapter 126 of this Code, floodplain, utility or other easements or rights-of-way, or a combination of said encumbrances. [Added 1-22-1996 by L.L. No. 1-1996; amended 4-23-2007 by L.L. No. 5-2007]
- D. Access from collector streets. Lots shall not, in general, derive access from a collector street, but shall front on a minor interior street. Where driveway access from a collector street may be necessary for two or more adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit the possible traffic hazard on such street. Any such driveways, where permitted, shall be designed in such a way as to provide adequate and convenient area for the turnaround of vehicles so as to avoid requiring them to back into traffic on such streets.
- E. Double-frontage lots. Lots fronting on two streets, other than corner lots, shall be avoided except where deemed essential by the Planning Board in order to provide separation of residential development from major or collector streets or to overcome problems of topography or orientation. The Planning Board may require access limitations and/or buffer landscaping for such double-frontage lots where the Board determines that such measures would be appropriate.
- F. Water bodies. If a subdivision contains a water body or portion thereof, lot lines shall be drawn so as to distribute the entire ownership of the water body among the fees of the adjacent lots, unless the Planning Board approves an alternate plan whereby the ownership of and responsibility for the safety of the water body is so placed that it will not become a Village responsibility. No more than 25% of the minimum lot area required under the Zoning Law may be satisfied by land which is under water or is defined as a wetland by the New York State Freshwater Wetlands Act.⁶⁶
- G. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for the installation of a bridge, culvert or other drainage facility, of a design approved by the Planning Board based upon, among other considerations, a recommendation of the Village

⁶⁶ . Editor's Note: See Art. 24 of the Environmental Conservation Law, § 24-0101 et seq.

Engineer, to provide satisfactory access across such watercourse for fire, police and other emergency equipment.

§ 118-26. Reservations and easements.

All reservations and easements shall be clearly indicated on the final subdivision plat, along with appropriate notations indicating the rights which exist with respect to each such reservation and/or easement.

A. Park reservations. [Amended 2-28-1994 by L.L. No. 1-1994]

- (1) The Planning Board may require that land be reserved within subdivisions or on individual parcels subject to site plan approval for a park or other recreational purpose. Before the Planning Board may approve a site plan containing residential units, such site plan shall also show, when required by such Board, a park or parks suitably located for playground or other recreational purposes. Such land cannot be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Village. Such findings must include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute. In the event that the Planning Board makes such a finding, but a suitable park or parks of adequate size to meet the requirements cannot be properly located on such subdivision plat or site plan, the Planning Board may require a sum of money in lieu thereof be paid to the Village pursuant to the fee schedule adopted by the Board of Trustees. Any moneys required by the Planning Board in lieu of land for park, playground or other recreational purposes shall be deposited into a trust fund to be used by the Village exclusively for park, playground or other recreational purposes, including the acquisition of property. In making such determination of suitability, the Planning Board shall assess the size and suitability of lands shown on the subdivision plat or site plan which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood.
- (2) Minimum size. Areas for parks shall be of reasonable size for neighborhood playgrounds or other recreational uses. In general, not less than 10% of the area of the subdivision or site plan providing for multifamily housing shall be set aside for these purposes, and sites so reserved for park purposes shall have an area of at least one acre. The Planning Board may require the location of such areas along the boundary of a subdivision or parcel so that additional land may be added at such time as the adjacent property is subdivided or developed.
- (3) Ownership of park area. The ownership of reservations for park purposes shall be clearly indicated on the plat and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.

B. Widening or realignment of existing streets. Where a subdivision borders an existing street which is narrower than the recommended right-of-way width as